
Appeal Decision

Site visit made on 12 November 2019

by P N Jarratt BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 November 2019

Appeal Ref: APP/L5240/X/19/3221041

10 Lawrence Road, South Norwood, London, SE25 5AA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Shahid Qaiser against the decision of the Council of the London Borough of Croydon.
 - The application Ref 18/03100/LP, dated 19 June 2018, was refused by notice dated 10 October 2018.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is for a loft conversion with side dormers.
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Procedural matter

1. There has been confusion over the name of the appellant and the name indicated on the Council's decision notice, but it has been confirmed that the correct name is as shown above.

Decision

2. The appeal is dismissed.

Reasons

3. The appellant considers the appeal property to be a detached dwelling based on the Land Registry to which the limitation for the conversion of loft space is 50 cubic metres.
4. Class B of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, provides permitted development rights for the enlargement of a house consisting of an addition or alteration to its roof subject to certain limitations and conditions.
5. However, paragraph B.1 (d) limits the resulting roof space to 40 cubic metres in the case of a terrace house, or 50 cubic metres in any other case. The DCLG Technical Guidance 'Permitted development rights for householders', April 2017, defines 'terrace house' as meaning a dwellinghouse situated in a row of three or more dwellinghouses used or designed for use as a single dwellings, where
 - a) it shares a party wall with, or has a main wall adjoining the main wall of, the dwellinghouse on either side, or

- b) if it is at the end of a row, it shares a party wall with or has a main wall adjoining the main wall of a dwellinghouse which fulfils the requirements of subparagraph (a).
6. The appeal property sits within a row of seven two-storey residential properties. Although they appear as separate two-storey dwellings they have some degree of attachment to their neighbours. In the case of the appeal property, attached garages link with the neighbours either side. The Technical Guidance is quite explicit and the plans submitted with the LDC application clearly show party walls to exist on the left and right hand side elevations.

Conclusion

7. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of a loft conversion with side dormers was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

P N Jarratt

Inspector